

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA	)	
	)	
	)	No. 3:17-cr-00124-3
v.	)	
	)	Chief Judge Crenshaw
	)	
BRANDON DURELL HARDISON	)	

NOTICE REGARDING FOURTH SUPERSEDING INDICTMENT

The United States of America, by and through its attorney, the Acting United States Attorney for the Middle District of Tennessee, and the Chief of the Organized Crime and Gang Section, U.S. Department of Justice, respectfully files this Notice to advise the Court and the defendant, Brandon Durell HARDISON, of the principal differences between the Third Superseding Indictment (Doc. 831), which was returned by the grand jury on November 7, 2018, and the Fourth Superseding Indictment (Doc. 1852), which was returned by the grand jury on August 9, 2021.

As an initial matter, the government advises the Court and the defendant that the Fourth Superseding Indictment does not charge HARDISON with any new offenses. Rather, the Fourth Superseding Indictment only references counts from the Third Superseding Indictment which specifically name HARDISON as a defendant. Consequently:

- HARDISON is charged in Count One of the Fourth Superseding Indictment with RICO Conspiracy, in violation of Title 18, United States Code, Section 1962(d); HARDISON was likewise charged in Count One of the Third Superseding Indictment with RICO Conspiracy.
- HARDISON is charged in Count Two of the Fourth Superseding Indictment with Murder in Aid of Racketeering as to the Murder of Derrick Sherden on January 6, 2012, in violation of Title 18, United States Code, Section 1959(a)(1); HARDISON was charged with this offense in Count Five of the Third Superseding Indictment.

- HARDISON is charged in Count Three of the Fourth Superseding Indictment with Causing Death Through the Use of a Firearm as to the Murder of Derrick Sherden on January 6, 2012, in violation of Title 18, United States Code, Section 924(j); HARDISON was charged with this offense in Count Six of the Third Superseding Indictment.
- HARDISON is charged in Count Four of the Fourth Superseding Indictment with Murder in Aid of Racketeering as to the Murder of Amanda Weyand on January 6, 2012, in violation of Title 18, United States Code, Section 1959(a)(1); HARDISON was charged with this offense in Count Seven of the Third Superseding Indictment.
- HARDISON is charged in Count Five of the Fourth Superseding Indictment with Causing Death Through the Use of a Firearm as to the Murder of Amanda Weyand on January 6, 2012, in violation of Title 18, United States Code, Section 924(j); HARDISON was charged with this offense in Count Eight of the Third Superseding Indictment.
- HARDISON is charged in Count Six of the Fourth Superseding Indictment with Tampering with a Witness, Victim, or Informant by Killing as to the Murder of Amanda Weyand on January 6, 2012, in violation of Title 18, United States Code, Section 1512(a)(1)(C); HARDISON was charged with this offense in Count Nine of the Third Superseding Indictment.
- Lastly, HARDISON is charged in Count Seven of the Fourth Superseding Indictment with Assault Resulting in Serious Bodily Injury in Aid of Racketeering as to the Assault of Malcolm Wright on November 3, 2012, in violation of Title 18, United States Code, Sections 1959(a)(3) and 2; HARDISON was charged with this offense in Count Twelve of the Third Superseding Indictment.

The Fourth Superseding Indictment has alleged several additional overt acts underlying Count One that do not appear in the Third Superseding Indictment. Those include:

- Overt act “aa,” related to HARDISON’s possession of firearms between on or about June 1, 2011 and on or about July 4, 2011;
- Overt act “bb,” related to HARDISON’s “smashing” of James Luke;
- Overt act “mm,” related to a shooting HARDISON perpetrated on or about September 26, 2012, on Richardson Street in Clarksville, Tennessee;
- Overt act “oo,” related to a shooting of Plush nightclub in Clarksville HARDISON planned in or about the fall of 2012 targeting one or more members of the Bloods;

- Overt act “uu,” related to a shooting HARDISON perpetrated on Kingsbury Drive in Clarksville;
- Overt act “vv,” related to HARDISON’s “smashing” of a Gangster Disciples member with initials “A.L.” in approximately 2013;
- Overt act “ww,” related to HARDISON’s “smashing” of a Gangster Disciples member with initials “D.W.” on or about February 1, 2013;
- Overt act “xx,” related to HARDISON’s planning of and participation in the murder of J.H., a witness to HARDISON’s murder of Sherden and Weyand, on April 30, 2013 in Madison, Tennessee; and
- Overt act “gggg,” related to HARDISON’s possession of a firearm and marijuana at the time of his arrest in Shelbyville, Tennessee on June 30, 2017.

In accordance with this Court’s April 19, 2021 Order (Doc. 1807), the government provided HARDISON with notice that it intended to introduce evidence of all of these overt acts in a sealed Notice filed on May 14, 2020. (Doc. 1813.)

The Fourth Superseding Indictment removed an allegation that appeared in Section 4(f) of Count One of the Third Superseding Indictment, namely, that the purposes of the Gangster Disciples included preserving and protecting the financial proceeds of the enterprise by laundering funds through prepaid bank, debit, and credit cards.

The Fourth Superseding Indictment includes an allegation in Section 5(i) of Count One that members and associates of the enterprise used cell phones and social media to communicate with one another and posted on social media websites, such as Facebook and Instagram, messages, comments, videos, and photographs referring to, among other things, shootings, firearms, and drug trafficking. Ample evidence of that conduct is contained in discovery materials previously provided to the defendant and introduced at trial in the March and April 2019 trial in *United States v. Marcus Darden, et al.* (3:17-cr-124).

The Fourth Superseding Indictment strikes from the “Notice of Enhanced Sentencing Factors” the reference found in the Third Superseding Indictment to narcotics trafficking.

The Fourth Superseding Indictment adds a specific reference to Title 18, United States Code, Section 2 (aiding and abetting) to the counts in that indictment related to HARDISON’s murder of Sherden and Weyand (Counts Two through Six). As this Court has recognized, an indictment need not specifically charge or otherwise refer to aiding and abetting for the government to proceed under an aiding and abetting theory as to that charge or for the jury to convict the defendant under an aiding and abetting theory at trial. *See* Order, Doc. 319, *United States v. Oakes*, 3:16-cr-196 (M.D. Tenn. Aug. 13, 2018) (citing cases). Nevertheless, and out of an abundance of caution, the Fourth Superseding Indictment includes a specific reference to § 2 to make clear that the government may proceed under an aiding and abetting theory and that the jury may convict the defendant under an aiding and abetting theory at trial.

Lastly, the Fourth Superseding Indictment makes various technical changes to the language of the Third Superseding Indictment. None of those changes substantively alter the allegations against HARDISON.

Respectfully submitted,

MARY JANE STEWART  
Acting United States Attorney

By: /s/ Ben Schrader  
BEN SCHRADER  
Assistant United States Attorney  
Middle District of Tennessee

DAVID L. JAFFE  
Chief, Organized Crime and Gang Section  
U.S. Department of Justice

By: /s/ Gerald A.A. Collins

GERALD A.A. COLLINS  
Trial Attorney  
Organized Crime & Gang Section  
U.S. Department of Justice

Dated: August 9, 2021

**CERTIFICATE OF SERVICE**

I hereby certify that on August 9, 2021, I sent a copy of the foregoing via the Court's electronic filing system to counsel for the defendant.

s/ Ben Schrader  
BEN SCHRADER  
Assistant United States Attorney